

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
\_\_\_\_\_  
DARREL R. GREEN,

Plaintiff,

v.

9:05-CV-0629  
(GLS)(DRH)

LIEUTENANT FOLEY, Eastern Correctional Facility,

\_\_\_\_\_  
Defendant.

APPEARANCES:

DARRELL R. GREEN  
Plaintiff, *pro se*  
96-A-6435  
Elmira Correctional Facility  
Box 500  
Elmira, New York 14902

GARY L. SHARPE, DISTRICT JUDGE

**ORDER**

By prior Order of this Court plaintiff Darrell R. Green was directed to either pay the \$150.00 filing fee for this action or provide the Clerk of the Court with a signed inmate authorization form in order to avoid dismissal of this action. Dkt. No. 10. In response to the Court's Decision and Order, Green submitted a copy of a receipt issued by the United States District Court for the Southern District of New York on May 4, 2004. Dkt. No. 11.<sup>1</sup> This receipt, which was not a part of the record transferred to this District, indicates that the filing fee has been paid in full. *Id.*

WHEREFORE, in light of the foregoing, it is hereby

ORDERED, that the Clerk issue a summons and forward it, along with a copy of the complaint, to the United States Marshal for service upon the named defendant. The

\_\_\_\_\_  
<sup>1</sup> Plaintiff's complaint is dated February 2, 2004, and bears a stamp indicating that it was received by the Pro Se Office (presumably in the Southern District of New York) on February 24, 2004. Dkt. No. 1 at 1.

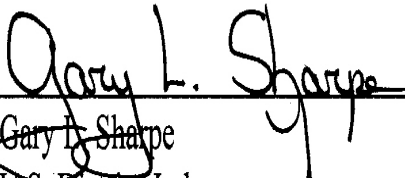
Clerk shall forward a copy of the summons and complaint by mail to the Office of the New York State Attorney General, together with a copy of this Order, and it is further

ORDERED, that a response to Green's complaint be filed by the defendant or his counsel as provided for in the Federal Rules of Civil Procedure after service of process on the defendant, and it is further

ORDERED, that the Clerk serve a copy of this Order on Green.

IT IS SO ORDERED.

Date: July 22, 2005  
Albany, New York

  
\_\_\_\_\_  
Gary L. Sharpe  
U.S. District Judge